

Application Serial Number: 10/823,132
In Reply to Office Action of: June 20, 2007

Client Reference: N0195US

Remarks

In the application, claims 29 through 50 are currently pending. No claims have been allowed.

The non-final Office Action dated June 20, 2007, has been carefully considered. The Office Action rejects claims 29 through 36, 38, 40 through 44, and 46 through 48 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 7,051,211 ("Matyas"). Claims 37, 39, and 45 are rejected under 35 U.S.C. § 103(a) as obvious in light of Matyas and U.S. Patent 6,104,815 ("Alcorn").

Claim Amendments

Independent claims 29, 38, and 44 are amended, without prejudice, to emphasize that the second portion of the data product is not usable before the first portion is decrypted. These amended claims are supported by the specification at, for example, page 17, lines 3 through 16 (see particularly lines 15 and 16), and page 31, lines 11 through 14.

Dependent claims 33, 34, 37, 40, and 41 are amended to correct minor informalities.

No new matter is introduced by these amendments.

New Claims

New claims 49 and 50 are added to cover the server that distributes the data product. They are supported by the specification at, for example, Figure 9 and page 31, line 19, through page 34, line 24.

No new matter is introduced by these claims.

§§ 102 and 103 Rejections

The present application and Matyas both teach methods for securely delivering a software package to a client. Both of their methods involve a package that is divided into an encrypted

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part and an unencrypted (or "plaintext") part. However, the nature of these parts are very different in the two disclosures, as is shown by their use and relationship.

In Matyas, the two parts together form a multi-step program for securely delivering the software package to the client. In the relevant embodiments, the client receives the two-part program, one part of which is encrypted, and the other part is unencrypted. First, the unencrypted part is run in order to decrypt the encrypted part. Next, the formerly encrypted part is run to install the desired software package. (See Matyas, Abstract and column 5, lines 30 through 44).

In the pending claims, as currently amended, the relationship between the two parts is very different from the teachings of Matyas. While Matyas must first run the unencrypted part before the encrypted part can be used, in the presently pending claims the unencrypted part *cannot be used until the encrypted part is decrypted*. Claim 29, as currently amended, states:

said unencrypted second portion *being unusable* by the computing platform *before decrypting said encrypted first portion*

(Emphasis added.)(The other independent claims, 38, 44, and 49, contain similar elements). Thus, as currently claimed, the encrypted part is first decrypted before the unencrypted part can be used, in contrast to Matyas' teachings.

All currently pending claims, either directly or by inheritance, include the above quoted element and are, therefore, patentable over the cited art.

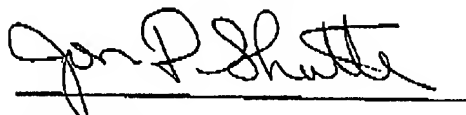
Conclusion

The cited art neither anticipates nor renders obvious the currently pending claims. Thus, this application is considered to be in good and proper form for allowance, and the Applicant requests that the Examiner withdraw the rejections and pass this application on to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the Applicant's representative at the number given below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jon D. Shutter", is written over a horizontal line.

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